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Brenda George
Stark County Auditor's Office
110 Central Plaza South
Canton, Ohio 44702

Re: Trusts and Trustees
Our File No. M101.00285

Dear Ms. George:

You requested an opinion as to the proper way to prepare a deed for real estate that is held in trust.

Pursuant to R.C. 5301.03, "trustees", "as trustee" or "agent" or words of similar import, following the name of the grantee in any deed of conveyance of land executed and recorded, without other language showing a trust or expressly limiting the grantee's powers, do not give notice to persons dealing with the land that a trust exists, or show any limitations on the power of the grantee.

In addition, the Ohio Supreme Court has held that the designation "Trustee" after a grantee's name in a sheriff's deed did not create a trust or make grantee a trustee of a trust, and so, the property was owned by the grantee personally.

In summary, the statute and case law make clear that an individual's name, followed by the designation "trustee", etc. is not sufficient. Therefore, I recommend that in the future when preparing a title where the property is to be held in trust, the proper way to list the grantee would be "XYZ Trust, John Doe, Trustee".

Please call me if you have any additional questions.

Sincerely,

Katie W. Chawla
Assistant Prosecuting Attorney